

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MAUNU RENAH WILLIAMS,
Petitioner,
v.
JUDGE, et al.,
Respondents.

Case No. C11-5571BHS

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 52)

On September 21, 2011, Judge Strombom issued the R&R recommending that the Court dismiss Petitioner Maunu Renah Williams’ (“Williams”) petition for writ of habeas corpus without prejudice for failure to submit a proper in forma pauperis application or pay the filing fee. Dkt. 52. Since the R&R, Williams has filed numerous, frivolous pleadings that are irrelevant to either his petition or the conclusions in the R&R.

The district court may permit indigent litigants to proceed in forma pauperis upon completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). However, the Court has broad discretion in denying an application to proceed in forma pauperis. *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963), *cert. denied*, 375 U.S. 845 (1963). “A district court may deny leave to proceed in forma pauperis at the outset if it appears from the face of the proposed complaint that the action is frivolous or without merit.” *Tripathi v. First Nat’l Bank & Trust*, 821 F.2d 1368, 1369 (9th Cir. 1987).

ORDER

1 In this case, Williams has failed to either file a proper in forma pauperis application
2 as requested by Judge Strombom or pay the filing fee. Moreover, it appears from the face of
3 the proposed petition that Williams' petition is without merit at this time because he has
4 most likely failed to exhaust his administrative remedies. Williams was sentenced in state
5 court in June of the year.

6 Therefore, the Court has considered the R&R and the remaining record and does
7 hereby find and order as follows:

- 8 (1) The R&R is **ADOPTED**;
- 9 (2) A Certificate of Appealability is **DENIED**;
- 10 (3) The petition is **DISMISSED without prejudice**; and
- 11 (4) Any further filings by Williams shall become part of the file, but will not be
12 acted on by the Court unless the Court determines otherwise.

13 DATED this 7th day of November, 2011.

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BENJAMIN H. SETTLE
United States District Judge

ORDER